

PUBLIC HEARING of the Burrillville Town Council held Wednesday, May 27, 2009 at 7:00 P.M. in the Town Council Chamber, Town Building, 105 Harrisville Main St, Harrisville, RI, for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville

MEMBERS ABSENT: None

Relative to considering and acting on proposed changes to the Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 30 entitled Zoning, sections:

30-31 30-32 30-33 30-34 30-35 30-71 30-72 30-73

30-74 30-112 30-114 30-156 30-201 30-204 30-207

NOTE: The notice of hearing was advertised in full in the legal section of the Woonsocket Call on Wednesday, May 6, 2009 and in summary on May 13 and May 20, 2009.

1. Comments/Input/Recommendation from the Ordinance Subcommittee

Councilor Margaret L. Dudley noted that the Ordinance Subcommittee had reviewed the proposed changes, and that the changes were

largely housekeeping matters intended to revise, update, and clarify the zoning ordinance. Councilor Dudley stated that the Ordinance Subcommittee recommended adoption of the proposed changes.

2. Comments/Input/Recommendations by the Administration (Town Solicitor, Town Manager, Administrative Staff)

Timothy F. Kane, Town Solicitor, reported that Zoning Official Joseph Raymond, Town Planner and Economic Development Coordinator Thomas J. Kravitz, and he had tracked items they believed required amendment. The changes, he said, included mainly housekeeping matters with few substantive items.

3. Proponents:

Kevin Blais of Tarkiln Road asked for a copy of the proposed changes.

4. Opponents: None

5. VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr.

and Norman C. Mainville.

6. Town Council Members Comments: None

7. VOTED to adopt proposed changes to the Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 30 entitled Zoning, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Burrillville Code of Ordinances, Chapter 30 entitled Zoning is hereby amended as follows:

Page CD30:14 Delete Editor's note

§30-31(a)(1) Change "11 zoning districts" to "10 zoning districts"

§30-32(a) Delete "He or she shall be qualified pursuant to the state building code"

§30-33(a) Delete "or lot of record"

§30-33(b)(2) Repeal In its entirety

§30-34(a)(4)c. Change "zoning administrative officer"

to "administrative officer or agency"

§30-34(e)(2) Change "variance" to "special use permit"

§30-34(e)(4) After the phrase "relief being sought", add The granting of the Special Use Permit will not alter the general character of the

surrounding area or impair the intent or purposes of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board shall consider, where applicable, the following:

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required.
- c. Required yard setbacks and other open spaces.
- d. Utilities with reference to location, availability, and compatibility.
- e. Screening and buffering with reference to type, dimensions, and character.
- f. Signs, if any, and proposed exterior lighting with reference to glare and traffic safety.
- g. General compatibility, the pertinent traffic, economic, noise, glare or odor effects of the Special Use Permit on adjoining properties and properties generally in the district.
- h. Protection of sensitive features.
- i. The use will not result in or create conditions that will exceed any applicable performance standards in this ordinance.

§30-34(g)(4) Repeal “of \$200.00”

§30-34(g)(5) Repeal “\$200.00”

§30-35(a)(1) Repeal “of \$300.00” and “\$300.00”

§30-35(a)(2) Delete “if any”

§30-71; Section 14 Repeal and replace with Section 14. Uses not

listed: Any use not specifically listed in section 30-71 or section 30-202 is prohibited.

§30-71; footnote 5 At beginning of footnote, add “New construction”

§30-72. Prohibited uses In last sentence, add After “30-202” add “(f), within”

§30-73(b)(2)b.2. Repeal Provided however, that the planning board shall have the authority to require the subdivider to divide the merged lot into the same number of lots as would be allowed by this subsection, but with the available lot area averaged over all such lots.

§30-74(1) Repeal In its entirety

§30-112(5) Repeal In its entirety

§30-114 Amend “Special use permit” to “variance”

§30-156(a)(3) Amend Delete “Off-street parking lots of more than two motor vehicle capacity” and replace with “Parking facilities”

§30-201(e)(1) and (2) Amend Add “Burrillville” before “Subdivision” and delete “as adopted by Town of Burrillville Planning Board, June 13, 2001” and add “as the same may be amended from time to time”

§30-204(2) Repeal Minimum lot size (square feet): 20,000

Minimum lot width (feet): 100

Amend Combined minimum width of side yard: change “30 feet” to “40 feet”

Minimum width of any one side yard: change “10 feet” to “15 feet”

§30-204(2)b. Repeal and replace with Buffer strip: The governing authority shall determine the need for and size of a landscaped buffer

strip to be located along the rear and side lot lines

§30-204(2)c. Change Delete “additional” before “buffer”; delete “yard” after “buffer”; add “strip” after “buffer”

§30-204(3)b. Change Add: “If approved as part of a cluster development,” before “the minimum distances”; and delete “provided such walls contain no windows to serve habitable rooms”

§30-207(f)(2)(a) Change Change “highway commercial” to “general commercial”

§30-207(g)(2) At end of paragraph, add The date of balloon deployment pursuant to subsection (b) below shall be incorporated into the public meeting notice.

This ordinance shall take effect upon passage.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville.

8. VOTED to adjourn at 7:07 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees,

Robert A. Bishop, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville.

The hearing was taped. The tape is on file with the record of the hearing.

Louise R. Phaneuf, Town Clerk